

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.17 OF 2004
IN
SUIT NO.2998 OF 2001

National Stock Exchange of
India Ltd. & Anr. ..Plaintiffs.

V/s.

Mr.Ramawatar Poddar ..Defendant.

Mr.Dilip Rai with Omkar Warange i/b.S. Satpute & Co.
for plaintiffs.

Ms.Alpana Ghone i/b. Gagrat & Co. for defendant.

CORAM : J.P.DEVADHAR, J.

DATED : 9TH DECEMBER, 2004.

P.C. :-

. Heard the counsel for the parties.

2. This chamber summons is taken out by the plaintiffs seeking amendment to the plaint in terms of schedule annexed to the chamber summons.

3. When the Summons for Judgment No.1269 of 2001 taken out by the plaintiff came up for hearing 14th July, 2003 a question arose as to whether the

plaintiff No.1 and plaintiff No.2 have separate and distinct causes of action against the defendants and whether two separate suits are required to be filed. Since the counsel for the plaintiff could not satisfy the Court on the above issue, he withdrew the Summons for Judgment with liberty to take out chamber summons for amendment of the plaint and thereafter take out fresh Summons for Judgment. Accordingly, the present chamber summons is taken out seeking amendment.

4. The learned counsel for the defendant submits that she has no objection for the chamber summons being allowed. However, she submits that the contention of the defendant that even the amended plaint does not show that the plaintiffs have joint causes of action be kept open.

5. Accordingly, the chamber summons is allowed in terms of prayer clause (a) and it is clarified that the contention of the defendant that the suit filed by the plaintiff No.1 & 2 jointly is not maintainable is kept open.

5. Chamber summons is disposed of accordingly with no order as to costs.

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